



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,142	05/30/2001	Steven B. Smith	13660.17	4558
21999	7590	08/07/2008		
KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER MADAMBA, CLIFFORD B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/870,142

Applicant(s)

SMITH ET AL.

Examiner

CLIFFORD MADAMBA

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 11-15 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-15 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Status of Claims

This action is in reply to the remarks and amendment for Application 09/870,142 filed on April 28, 2008.

Claims 1, 11 and 32 have been amended.

Claims 1, 11-15, and 32-34 are currently pending and have been examined.

Response to Arguments

Applicant's arguments filed April 28, 2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in sequential order as they were set forth in the "Remarks" section.

The Applicant argues that searching for recent transactions is not taught by Goldsmith which only teaches immediately notifying or posting notification to a user of account activity. The Examiner respectfully disagrees. The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention when there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.1992). In this case, Editors, in at least, page 2, paragraphs 9 and 11, is relied upon to teach the feature comprising "automatically searching credit card account and on-line checking account records for recent purchases"; and, "aggregating and displaying the search results" as follows: "With PocketCard, employees never have to fill out another expense report because the report is automatically prepared as the card is used. As soon as a transaction takes place, complete details are entered into the card's

transaction history. The employer can review the history online at any time. As an additional option, we can also provide a hard copy of the transaction history..." "For maximum control of the PocketCard spending activity, the company offers the option of sending the employer an e-mail with summarized daily transactions or a real-time e-mail alert whenever the card is used." It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the limitation above, as taught by Editors, with the limitation as taught by Chancey, for the motivation of recording and categorizing transactions for a business expense account. In this manner a business entity may maintain maximum control and oversight over the transactions of their employees.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are now considered moot in light of the grounds of rejection, provided below, for the current listing of claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in further of Editors, Business Editors, High-Tech Writers Summer Internet World 99, "PocketCard Inc.'s Product Launch at Internet World

Art Unit: 3692

Summer 99; High-Tech VISA Card Ends Expense Account Headaches.” Business Wire, New York: Jul 21, 1999, pg 1 (“Editors”).

Re claim 1 (currently amended): Chancey discloses *a method for budgeting financial resources in an automated fashion to provide a running balance, the method comprising:*

- *establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account (see at least column 3, lines 25-43); and,*
- *allocating transactions to a virtual account corresponding to the type of transaction (see at least column 3, lines 46-51; column 4, lines 1-5).*

Chancey doesn't explicitly disclose the limitations comprising:

- *allocating portions of a budget to each of the plurality of accounts; and,*
- * *automatically debiting the virtual account according to the transaction and crediting the virtual account when additional funds become available.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

While Chancey discloses the above limitations, Editors, however, further teaches the limitations comprising:

- *automatically searching credit card account and on-line checking account records for recent purchases; and,*
- *aggregating and displaying the search results (see at least page 2, paragraphs 9 and 11).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the limitation above, as taught by Editors, with the limitation as taught by Chancey, for the motivation of recording and categorizing transactions for a business expense account. In this manner a business entity may maintain maximum control and oversight over the transactions of their employees.

Claim 32 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), and further in view of Editors, Business Editors, High-Tech Writers Summer Internet World 99, "PocketCard Inc.'s Product Launch at Internet World Summer 99; High-Tech VISA Card Ends Expense Account Headaches," Business Wire, New York: Jul 21, 1999, pg 1 ("Editors").

Re claim 32 (currently amended): Chancey discloses *a method for managing financial resources in an automated fashion comprising:*

- *establishing a plurality of virtual financial accounts overlaid upon at least one actual financial account (see at least column 3, lines 25-43); and,*
- *allocating transactions to an account selected from the plurality of accounts (see at least column 3, lines 46-51; column 4, lines 1-5).*

Art Unit: 3692

Chancey doesn't explicitly disclose the limitations comprising:

- *allocating a given amount of funding for each of the plurality of accounts; and,*
- *automatically debiting or crediting the allocated fund amount according to the transaction allocated to the particular account and from the actual financial account.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

While Chancey discloses the above limitations, Editors, however, further teaches the limitations comprising:

- *searching actual accounts for purchases on a credit card or other financial instruments.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the limitation above, as taught by Editors, with the limitation as taught by Chancey, for the motivation of recording and categorizing transactions for a business expense account. In this manner a business entity may maintain maximum control and oversight over the transactions of their employees.

Art Unit: 3692

Claims 11-15 and 33-34 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), and further in view of Goldsmith, U.S. 6,064,990 ("Goldsmith").

Re claims 11-15: claim 11 recites limitations already addressed by the rejection of claim 1 above, therefore the same rejection applies. Furthermore, Chancey discloses the structural elements of claims 11-15 that perform the recited functionality (see at least column 5, lines 43-46).

Re claim 33 (previously presented): Chancey discloses *a method for budgeting financial resources in an automated fashion comprising:*

- *establishing a plurality of virtual financial accounts overlaid upon an actual financial account* (see at least column 3, lines 25-43); and,
- *allocating transactions to a virtual account corresponding to the type of transaction* (see at least column 3, lines 46-51; column 4, lines 1-5).

Chancey doesn't explicitly disclose the limitations comprising:

- *allocating a given amount of budget for each of the plurality of accounts; and,*
- *automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the

Art Unit: 3692

teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey also doesn't explicitly disclose the limitations comprising:

- *automatically periodically searching for transactions made on a user's credit card; and,*
- *notifying the user of the transactions.*

Goldsmith, however, makes this teaching (see at least column 1, lines 53-64; column 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, column 1, lines 51-52).

Re claim 34 (previously presented): Chancey discloses *a method for budgeting financial resources in an automated fashion to provide a running balance, the method comprising:*

- *establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account (see at least column 3, lines 25-43); and,*
- *allocating transactions to a virtual account corresponding to the type of transaction (see at least column 3, lines 46-51; column 4, lines 1-5).*

Chancey doesn't explicitly disclose the limitations comprising:

- *allocating portions of a budget to each of the plurality of accounts;*

Art Unit: 3692

- *automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available when a new budgetary period begins.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey also doesn't explicitly disclose the limitations comprising:

- *automatically periodically searching for transactions made on a user's credit card and notifying the user of the transactions;*
- *notifying a user when a purchase on a credit card or other financial instrument has been made.*

Goldsmith, however, makes this teaching (see at least column 1, lines 53-64; column 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, column 1, lines 51-52).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date of the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi, can be reached at 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Clifford Madamba
Patent Examiner

Kambiz Abdi
Supervisory Primary Examiner

/Harish T Dass/
Primary Examiner, Art Unit 3692